



**Winston H. Hickox**  
Agency Secretary

# Air Resources Board

**Alan C. Lloyd, Ph.D.**  
Chairman

1001 I Street • P.O. Box 2815 • Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



**Gray Davis**  
Governor

## MEMORANDUM

**TO:** Gordon Young  
Senior Staff Counsel  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

**FROM:** W. Thomas Jennings  
Senior Staff Counsel

**DATE:** April 12, 2002

**SUBJECT:** RESUBMITTAL OF ZERO-EMISSION VEHICLE REGULATION  
AMENDMENTS  
REGULATORY ACTION NO. 01-1207-02S

By this memorandum and its attachments, the Air Resources Board (ARB) is resubmitting the above-referenced amendments, which had been submitted to the Office of Administrative Law (OAL) on December 7, 2002, and disapproved by OAL on January 23, 2002.

The January 30, 2002 Decision of Disapproval of Regulatory Action issued by OAL concluded that the failure of the ARB to transmit the three supplemental "15-day" notices to specified persons who had submitted written comments on the day of the January 25, 2001 hearing constituted a violation of Government Code sections 11346.8(c) and 11347.1, and of section 44, title 1, California Code of Regulations. These persons had been identified in Attachment A to my January 16, 2002 memorandum to you. The decision stated:

The Board must provide a procedurally adequate 15-day notice and comment period on all of the changes made and documents added during the three 15-day notices to all of the commenters listed on Attachment A who did not receive the three original 15-day notices prior to resubmittal of this rulemaking action.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

The decision also explained that the ARB must correct the three certifications of mailing accompanying the three 15-day notices. The ARB has now cured the deficiencies and readopted the amendments in question.

When it disapproved the amendments, OAL retained the rulemaking file for the rulemaking. Our resubmittal augments the rulemaking file with the following materials.

- (1) A new STD 400 Face Sheet for filing the amendments, with a completed Section B. 1, revised Sections B. 4 and 5, and a new signature. Attached to the Face Sheet are a new Final Regulation Order, which is identical in all respects to the Final Regulation Order transmitted January 23, 2002, except a revision to the footer and a correction at the end of section 1960.1(k)(8)(B) on page 23 and Test Procedures.
- (2) A Revised Table of Contents of the rulemaking file, reflecting April 12, 2002 revisions.
- (3) Revised certifications of mailing which should be substituted for the certifications of mailings in Tabs 13, 15 and 17 of the rulemaking file.
- (4) New Tab 23 of the rulemaking file: Certification and notice of Special Supplemental Public Comment Period (February 8, 2002 – February 25, 2002)
- (5) New Tab 24 of the rulemaking file: Written comments received during the special supplemental public comment period ending February 25, 2002.
- (6) New Tab 25 of the rulemaking file: Third Supplement to the Final Statement of Reasons
- (7) New Tab 26 of the rulemaking file: New Executive Order G-02-009 readopting the amendments following consideration of the comments received during the special supplemental comment period that ended February 25, 2002.
- (8) New Tab 27 of the rulemaking file: A new Notice of Decision and Response to Significant Environmental Issues.
- (9) A new certification of the rulemaking record, reflecting addition of the new material.

Gordon Young  
April 12, 2002  
Page 3

We request that this resubmittal be given expedited attention in accordance with Government Code section 11349.4(d). Please call me at (916) 323-9608 or 322-2884 if you have any questions regarding this matter.

Attachments